

DEC 03 2009

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
HARRISONBURG DIVISION

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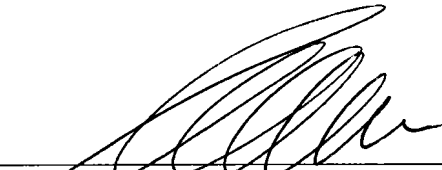
UNITED STATES OF AMERICA,)	Case No. 5:07cr00045
)	
)	<u>2255 FINAL ORDER</u>
v.)	
)	By: Samuel G. Wilson
WILLIAM GILBERT SPENCE, JR.)	United States District Judge

In accordance with the accompanying Memorandum Opinion, it is hereby **ORDERED** and **ADJUDGED** that the United States' motion to dismiss is **GRANTED**; the above referenced motion pursuant to 28 U.S.C. § 2255 is hereby **DISMISSED**; and this action shall be **STRICKEN** from the active docket of this court.

Further, finding that Spence, Jr. has failed to make a substantial showing of the denial of a constitutional right as required by 28 U.S.C. § 2253(c)(1), a certificate of appealability is **DENIED**.

The Clerk is directed to send certified copies of this Order and the accompanying Memorandum Opinion to the parties.

Enter: This 3d day of December, 2009.


UNITED STATES DISTRICT JUDGE